

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44896 of 2022

Arising Out of PS. Case No.-67 Year-2015 Thana- LAXMIPUR District- Jamui

SHANKAR SAH Son of Late Kanchan Sah Resident of village - Khilar, P.S.-
Laxmipur, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 341, 354, 504, 506, 307 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a senior citizen aged about 62 years and is a person with clean antecedent and the informant alleges that accused persons including the petitioner came and started abusing the informant and demanded extortion, further petitioner touched her inappropriately and thereafter assaulted her by an iron rod causing injury on head and accused persons even assaulted the children.

Learned counsel for the petitioner submits that the



petitioner was on police bail and after investigation, police in a mechanical manner submitted charge-sheet in pursuance whereof cognizance came to be taken by an order dated 23.09.2021 and thereafter summons were issued on 24.01.2022 and thereafter the petitioner came to know that the police has submitted charge-sheet in the case.

Learned counsel for the petitioner next submits that petitioner was on police bail during the period of investigation and thereafter charge-sheet came to be submitted, it is next submitted that since the petitioner was on police bail, the law stands settled by a Judgment of this Court in Mahendra Prasad Singh Vs. The State of Bihar reported in 2004 (3) PLJR 491, it is next submitted that the said judgment was followed in the case of Sheochandra Singh Vs. The State of Bihar reported in 2007 (4) BBCJ 66 and thereafter in Jagnarayan Yadav and others Vs. The State of Bihar reported in 2010 (2) PLJR 684 wherein this Court has very clearly laid the law that once an accused who is on police bail and charge sheet comes to be submitted then what steps have to be taken by the learned trial court

In view of the submission made by the learned counsel for the petitioner, the present anticipatory bail



application is disposed of with a direction to the petitioner to surrender before the learned trial court on or before 05.01.2023 and the learned trial court shall on the same day dispose of the application keeping in mind the law enunciated by this Court as aforesaid.

Accordingly, the present anticipatory bail application stands disposed of.

Learned counsel for the petitioner at this stage submits that the wife of the petitioner who was also charge sheeted but was granted anticipatory bail and it is also submitted that the bail application of this petitioner was rejected when both of them were charge sheeted as such the learned District Court ought to have maintained parity.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

